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** In cooperation with
Trench, Rossi e Watanabe
Advogados

April 19, 2016

Via ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: SEC v. Wey, et al., 15-cv-7116 (PKC)

Dear Judge Castel:

We represent defendant Doğan Erbek in the above-referenced action. An initial pretrial conference is scheduled for June 8, 2016 at 2:45 p.m.

Three defendants (William Uchimoto, Robert Newman and Mr. Erbek) have sought permission to file motions to dismiss the Amended Complaint. (ECF Nos. 78, 81 and 87). On March 24, 2016, Mr. Uchimoto wrote to the Court on behalf of those three defendants seeking to set a briefing schedule to allow those motions to go forward. (ECF No. 94 (the "Scheduling Letter")). On March 31, 2016, in response to the defendants' request, the Court deferred deciding the issue, noting that it would address the matter at the pretrial conference then scheduled for April 29. (ECF No. 95).

In light of the nearly six-week adjournment of the pretrial conference ordered on April 18, we write to seek permission for the defendants to file their motions to dismiss on a schedule that would result in the completion of briefing in advance of the June 8 conference.

As noted in the Scheduling Letter, notwithstanding the deficiencies identified in defendants' pre-motion letters, the SEC has indicated that it does not intend to move to further amend the Amended Complaint. Moreover, counsel for the SEC has informed us that it takes no position with respect to this request, and counsel for the Weys has no objection. Each of the defendants seeking to dismiss the Amended Complaint has faced, and continues to face, reputational harm as a consequence of the SEC's charges. In the absence of any opposition to allowing briefing to go forward, and in light of the adjournment of the pretrial conference, the defendants respectfully request that the Court reconsider its March 31 ruling, and allow the defendants to brief their motions to dismiss on the following schedule: moving papers due May 11; opposition papers due May 27; and reply papers due June 3.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marc Litt", with a long horizontal flourish extending to the right.

Marc Litt

Cc: Counsel of Record (via ECF)